

MUSTANG FUEL CORP.,
Appellant

v.

ANADARKO AREA, DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Vacating Decision and
: Remanding Case
:
:
: Docket No. IBIA 92-165-A
:
: November 2, 1992

This is an appeal from an April 15, 1992, decision of the Anadarko Area Director, Bureau of Indian Affairs, concerning recoupment and refund of overpaid royalties on oil and gas lease No. 14-20-205-5580, which covers a portion of the allotment of Youngbear, Cheyenne-Arapaho Allottee No. 1291-A. The Area Director's decision concluded that BIA had no authority to grant recoupment of royalty overpayments because that authority resided in the Minerals Management Service. It further concluded that BIA lacked authority to initiate a collection action against the Indian landowners for the purpose of refunding overpaid royalties to appellant.

Appellant and the Area Director have requested remand of this matter to the Area Director, so that he may refer it to the Minerals Management Service. 1/

In accordance with the parties' request, and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Area Director's April 15, 1992, decision is vacated, and this matter is remanded to him.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge

1/ Under 30 CFR Part 290, decisions of the Minerals Management Service involving Indian lands are appealable to the Commissioner of Indian Affairs. The Commissioner's decisions under that part are appealable to the Board of Land Appeals, 30 CFR 290.7, unless they are based on an interpretation of Federal Indian law, in which case they are appealable to this Board. 43 CFR 4.330(b)(3).